



## DEPARTMENT OF NATURAL RESOURCES

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### MEMORANDUM

DATE: April 22, 2004

TO: Land Reclamation Commission

FROM: Mike Larsen, Chief; Non-Coal Unit (*original signed by Mike Larsen*)

SUBJECT: Orders of Rulemaking, Industrial Minerals Rule Amendments

The following proposed rule amendments were published in the February 2, 2004 edition of the *Missouri Register*. A formal hearing was held before the commission on March 25, 2004. The public comment period has expired.

The following is a listing of the rules being amended.

**10 CSR 40-10.020 (D) 4. Permit Application Requirements** (To replace the current "Stream Protection Plan")

**10 CSR 40-10.050 (14), (15), and (16) Performance Requirements** (Adding specific performance requirements for the in-stream mining of sand and gravel – replaces the current "Stream Protection Plan")

We anticipate publishing the Order of Rulemaking according to the following schedule:

Adoption of Orders of Rulemaking by Commission	4/30/2004
Filing Orders of Rulemaking with the Joint Committee on Administrative Rules	5/21/2004
Filing Orders of Rulemaking with Secretary of State	6/18/2004
Orders of Rulemaking published in <i>Missouri Register</i>	8/02/2004
Publication in the Code of State Regulations	8/31/2004
Rules become final	9/30/2004

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We have received numerous comment letters during the public comment period. Copies of all comment letters have been previously forwarded to your attention as they were received by the program. The attached Orders of Rulemaking reflect responses to comments that were received by the commission during the public comment period.

Please note that the Land Reclamation Commission approved both rule amendments as they presently exist at their May 22, 2003 meeting. The rule amendments were the product of extensive discussion and effort among workgroup members during the second half of 2002. The commission received the recommendation of the workgroup and approved that recommendation with two amendments. One amendment was to specify a defined buffer zone distance between the area of excavation and the flowing water of ten (10) feet. The second amendment was to change wording with respect to mining from "Outstanding State Resource Waters". Today's meeting represents the final action on the part of the commission with respect to these two rule amendments and is a necessary part of the rulemaking process.

It is the staff's recommendation that the Land Reclamation Commission approve the Orders of Rulemaking.

Attachments